

FILED
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U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
JUL 11 - 2017

BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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NELDA AYALA, MOHAMMED ELISSAOUI, EBER VEGA, :
and CARLOS GARCIA :
:

Plaintiffs, :

-against- :

YOUR FAVORITE AUTO REPAIR & DIAGNOSTIC :
CENTER, INC., AUTO MAINTENANCE SALES & :
SERVICE CAR WASHING & DETAILING, INC., and :
ANTHONY BOUMOUSA, as an individual, :

Defendants. :
----- X

NOT FOR ELECTRONIC
OR PRINT PUBLICATION

ORDER

14-CV-5269 (ARR) (JO)

ROSS, United States District Judge:

Plaintiffs brought this action pursuant to the Fair Labor Standards Act (“FLSA”), 29 U.S.C. §§ 201-19, and New York Labor Law (“NYLL”), §§ 190-99 & 650-65. Plaintiffs sought to recover overtime and spread of hours wages allegedly due to them, as well as liquidated damages, prejudgment interest, and statutory penalties for wage notice and statement violations. See Amended Complaint, ECF No. 41. I held a two-day bench trial on September 12 and 13, 2016 to determine whether plaintiffs are entitled to back wages and other damages pursuant to their claims. See ECF Nos. 78, 79. On September 16, 2016, I issued an opinion holding that plaintiffs have proven, by a preponderance of the evidence, that defendants violated the FLSA’s and NYLL’s overtime provisions and failed to provide wage notices and statements as required under the NYLL. ECF No. 85. I awarded plaintiffs compensatory and liquidated damages, statutory damages, and prejudgment interest, and directed the parties to file calculations of damages. Id. at 58. In lieu of filing damages calculations, the parties reached an agreement to settle the case. On December 5, 2016, they submitted a joint request for approval of their settlement agreement. ECF

No. 91; see also Cheeks v. Freeport Pancake House, Inc., 796 F.3d 199 (2d Cir. 2015) (requiring district court or Department of Labor approval for settlement of actions brought under the FLSA).

On December 16, 2016, the Honorable James Orenstein, United States Magistrate Judge, issued a Report and Recommendation finding that the parties' settlement agreement is "fair and reasonable" and recommending that the parties' motion for settlement be granted. See Docket Entry (Dec. 16, 2016). The time for filing objections has passed and no objections have been filed. Accordingly, the court has reviewed the Report and Recommendation for clear error on the face of the record. See Advisory Comm. Notes to Fed. R. Civ. P. 72(b); accord Brissett v. Manhattan & Bronx Surface Transit Operating Auth., No. 09-cv-874, 2011 WL 1930682, at *1 (E.D.N.Y. May 19, 2011). Having reviewed the record, I find no clear error. I hereby adopt the Report and Recommendation in its entirety as the opinion of the court pursuant to 28 U.S.C. § 636(b)(1).

SO ORDERED.


/s/(ARR)


Allyne R. Ross
United States District Judge

Dated: January 4, 2017
Brooklyn, New York